

---

DRAFT SCOTTISH STATUTORY INSTRUMENTS

---

**2019 No.**

**The Conservation (Natural Habitats, &c.) (EU Exit) (Scotland) (Amendment) Regulations 2019**

**PART 2**

**AMENDMENT OF THE CONSERVATION  
(NATURAL HABITATS, &C.) REGULATIONS 1994**

**Insertion of new regulation 9D**

**11.** After regulation 9C (special protection area: hearing and representation in respect of a proposal), insert—

**“Management objectives of the UK site network**

**9D.—(1)** The Scottish Ministers must, in co-operation with any other authority having a corresponding responsibility, manage, and where necessary adapt, the UK site network, so far as it consists of European sites in Scotland, with a view to contributing to the achievement of the management objectives of the UK site network.

(2) The management objectives of the UK site network are—

(a) to maintain at or, where appropriate, restore to a favourable conservation status in their natural range (so far as it lies in the United Kingdom’s territory, and so far as is proportionate)—

- (i) the natural habitat types listed in Annex I to the Habitats Directive; and
- (ii) the species listed in Annex II to that Directive whose natural range includes any part of the United Kingdom’s territory; and

(b) to contribute, in their area of distribution, to ensuring the survival and reproduction, and securing compliance with the requirements of Article 2 of the Wild Birds Directive for the purposes of the duty in regulation 3(1), of—

- (i) species of birds listed in Annex I to the Wild Birds Directive which naturally occur in the United Kingdom’s territory; and
- (ii) regularly occurring migratory species of birds not listed in that Annex which naturally occur in the United Kingdom’s territory.

(3) In complying with the obligation in paragraph (1), the Scottish Ministers must have regard —

- (a) in relation to any European site which is not of a kind mentioned in regulation 10(1)(d), to the considerations mentioned in paragraph (4); and
- (b) in relation to European sites of a kind mentioned in regulation 10(1)(d), to the considerations mentioned in paragraph (5).

(4) The considerations referred to in paragraph (3)(a) are—

- (a) the importance of the sites for the maintenance at, or restoration to, a favourable conservation status, throughout their natural range, of the natural habitat types and species mentioned in paragraph (2)(a);
  - (b) the importance of the sites for the coherence of the UK site network; and
  - (c) the threats of degradation or destruction (including deterioration and disturbance of protected features) to which the sites are exposed.
- (5) The considerations referred to in paragraph (3)(b) are—
- (a) the importance of the sites for ensuring the survival and reproduction of, and securing compliance with the requirements of Article 2 of the Wild Birds Directive for the purposes of the duty in regulation 3(1) in relation to, the species of birds mentioned in paragraph (2)(b), in their area of distribution;
  - (b) in the case of migratory species, the importance of their breeding, moulting and wintering areas and staging points along their migration routes;
  - (c) the importance of the sites for the coherence of UK site network; and
  - (d) the threats of degradation or destruction (including deterioration and disturbance of protected features) to which the sites are exposed.
- (6) In paragraph (2)(a), “proportionate” means proportionate to the relative importance of—
- (a) the part of the natural range lying in the United Kingdom’s territory; and
  - (b) the part of the natural range lying outside the United Kingdom’s territory,
- for achieving a favourable conservation status.”.